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Human Rights Council
Thirty-fourth session
27 February-24 March 2017
Agenda item 4
Human rights situations that require the Council's attention

Note verbale dated 10 March 2017 from the Permanent Mission of the Syrian Arab Republic to the United Nations Office and other international organizations in Geneva addressed to the Secretariat of the Human Rights Council

The Permanent Mission of the Syrian Arab Republic to the United Nations Office and other international organizations in Geneva presents its compliments to the Secretariat of the Human Rights Council and has the honour to attach herewith a letter dated 10 March 2017 addressed to the President of the Human Rights Council by the Permanent Representative of the Syrian Arab Republic (see annex). It requests the Secretariat to circulate the present note verbale and the annex* as a document of the thirty-fourth session of the Council under agenda item 4.

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مرفق

مذكرة شفوية مؤرخة 10 مارس 2017 من البعثة الدائمة للجمهورية العربية السورية لدى مكتب الأمم المتحدة في جنيف والمنظمات الدولية الأخرى في سويسرا موجهة إلى الأمانة العامة لمجلس حقوق الإنسان

رسالة مؤرخة في 10 آذار 2017، موجهة من المندوب الدائم للجمهورية العربية السورية لدى مكتب الأمم المتحدة في جنيف إلى رئيس مجلس حقوق الإنسان

أكتب إليكم بناء على تعليمات من حكومتي حول حملات التشهير المعادية للجمهورية العربية السورية التي تستمر بريطانيا وشركاءها في ترويجها وفرضها على أعمال مجلس حقوق الإنسان. ففي الوقت الذي تتواصل فيه الجهود الرامية لتثبيت اتفاق وقف العمليات القتالية خلال اجتماعات أستانا، وتنطلق اجتماعات جنيف سعياً للوصول إلى حل سياسي يقوم على الحوار السوري السوري بقيادة سورية ودون تدخل خارجي، ويكفل الحفاظ على السيادة الوطنية للجمهورية العربية السورية واستقلالها ووحدة وسلامة أراضيها، تستمر بريطانيا بممارسة التضليل السياسي والإعلامي داخل مجلس حقوق الإنسان، بالتعاون مع حفنة من الدول المتورطة في شن الحرب على سوريا، سعياً لتقويض الجهود الرامية لتحقيق الحل السلمي للأزمة وتثبيت وقف العمليات القتالية. خلافاً لمزاعمها دعمها للحل السلمي في سوريا، حولت الدول المذكورة، بالتعاون مع بعض مسؤولي الأمم المتحدة، قضايا حقوق الإنسان النبيلة وآليات مجلس حقوق الإنسان إلى مطية لتحقيق أجنداتها المناقضة للحل السياسي. لقد تجاوز الهوس بحملات التشهير والتشويه الذي يستهدف الحكومة السورية حدود المنطق والعقلانية إلى درجة جعل قاعة مجلس حقوق الإنسان مسرحاً لتمثيليات من قبيل الحلقة النقاشية حول حقوق الإنسان في الجمهورية العربية السورية التي تم فرضها على جدول أعمال الدورة الرابعة والثلاثين لمجلس حقوق الإنسان بشكل أحادي وانتقائي، بمشاركة متحدثين رئيسيين يتبنون مواقف سياسية مسبقة مناهضة ومعادية للحكومة السورية، وبينهم أفراد يتم تقديمهم بصفتهم ناشطين وضحايا مزعومين رغم كونهم في الواقع أفراداً ينتمون إلى هياكل سياسية أنشأتها وموّلتها وتديرها بريطانيا وحلفاءها في تركيا وقطر والسعودية بدعم أمريكي - فرنسي - بريطاني.

إن هذا السلوك المشين الذي تقوده بريطانيا بات سبباً في الإساءة لمصداقية المجلس ولكامل منظومة حقوق الإنسان في الأمم المتحدة نتيجة التسييس الفاضح الذي تتم ممارسته والمعايير المزدوجة المطبقة في التعامل مع انتهاكات حقوق الإنسان في بعض الدول، ومنها انتهاكات ترتكبها دول إقليمية حليفة لبريطانيا تمارس أسوأ أشكال انتهاكات حقوق الإنسان داخل حدودها وتحرم مواطنيها من أبسط حقوقهم الأساسية، فيما ترتكب الجرائم خارج حدودها عبر دعمها وتمويلها للإرهاب على امتداد المنطقة في انتهاك لقرارات مجلس الأمن ذات الصلة بمكافحة الإرهاب، وعبر ممارستها العدوان وارتكابها للمجازر ضد مدنيين أبرياء خارج حدودها في انتهاك للقانون الدولي وللقانون الدولي الإنساني، كما هو حال حلفاء بريطانيا من الأنظمة الحاكمة في كل من السعودية وتركيا وقطر وإسرائيل. ومن المثير للاستهجان أن الأطراف المذكورة، المتورطة منذ أكثر من ستة أعوام بدعم الإرهاب وفي استخدامه أداة في

الحرب على سوريا وعلى حكومتها الشرعية المنتخبة، تمارس حملات الدعاية والتضليل داخل هذه القاعة وخارجها، من خلال الترويج لاتهامات ملفقة، يتم تقديمها بالتعاون مع منظمات غير حكومية، تبنى على روايات وقصص خيالية لبناء قضية ضد الدولة السورية داخل مجلس حقوق الإنسان، في الوقت الذي تتجاهل فيه بشكل كامل الإرهاب الذي يرتكب الجرائم والمجازر والفظائع ضد المواطنين السوريين وضد البنية التحتية والاقتصادية، ويسرق ويدمر الصناعة والزراعة والموارد الطبيعية فيها منذ ست سنوات حتى الآن، ودونما ذكر للانعكاسات السلبية على الأوضاع المعيشية للمواطنين السوريين وعلى إمكانية توفير احتياجاتهم الأساسية، وفي مقدمتها الغذاء والدواء والرعاية الصحية، نتيجة الإجراءات الأحادية القسرية التي تفرضها هذه الدول، في الوقت الذي تتباكى فيه على معاناة المواطن السوري وحقوقه الأساسية.

لقد حولت حملات التضليل التي تقودها بريطانيا مجلس حقوق الإنسان إلى منبر للدعاية والتشهير بدلاً من اعتماده منبراً للحوار والتعاون الدولي حول حقوق الإنسان بشكل محايد دون انتقائية أو تسييس. وبريطانيا مستمرة في حملاتها رغم ما تكشّف في الآونة الأخيرة من حقائق كثيرة حول أهداف وتوقيت التقارير المزيفة التي يتم فبركتها وترويجها لاستهداف الحكومة السورية[1]، ومنها ما كشفته تقارير إعلامية حول تمويل الحكومة البريطانية لشركات متخصصة تم تكليفها بإعداد وتسويق فيديوهات لاستخدامها في اتهام الحكومة السورية بارتكاب جرائم حرب[2]، وما تكشف حول ما يسمى بتقرير قيصر الذي تمت فبركته في بريطانيا بتمويل قطري[3] وتدوله بالتزامن مع انعقاد اجتماعات جنيف 2 في شهر كانون الثاني/يناير 2014، وكذلك تقرير منظمة العفو الدولية الأخير الذي تزامن أيضاً مع انطلاق اجتماعات جنيف 4 خلال شهر شباط/ فبراير 2017 وشابته كثير من السقطات القانونية التي تنم عن جهل بالإجراءات القانونية المتبعة في سوريا والتي كشفت الغايات السياسية التي يتوخاها.

ومن المستهجن أن يصل التلاعب بإجراءات المجلس حد استخدام لجنة التحقيق الدولية وتقاريرها كوسيلة إضافية في هذا السياق. إن إعلان اللجنة عزمها على عرض تقريرها حول حلب الذي أعدته استجابة للقرار د- 1/25، وهو قرار عكس انقساماً حاداً داخل المجلس واعتمد بالتصويت، على الخلفة الفاشية هو هرطقة إجرائية تعبر بجلاء عن مضمون ومنهجية هذا التقرير غير الحرفية وعن المقاربة السياسية التي تبناها والتي يتم تقديمها بلبوس قانوني يفتقر للمعايير الموضوعية.

وبالمقابل لم يعد مستغرباً تجاهل لجنة التحقيق المطلق في تقاريرها للدور الهدام الذي لعبته أنظمة الدول التي ترعى وتمول المجموعات الإرهابية المسلحة الفاعلة في أحياء شرقي حلب وفي مقدمتها تركيا والسعودية وقطر والولايات المتحدة وبريطانيا وفرنسا. إن تجاهل سياسات تلك الدول المناقضة للقانون الدولي والقانون الدولي الإنساني يمثل إخلالاً بالحياد الذي يجب أن تتمتع به لجنة التحقيق.

وفي هذا الإطار، فإننا وفي الوقت الذي سنقوم فيه بإبداء ملاحظاتنا حول التقرير المذكور خلال الجلسات الرسمية للمجلس، فإننا نود التأكيد بأن القرار الذي اتخذته الحكومة

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[1] The media are misleading the public on Syria - The Boston Globe. Feb. 18, 2016.

[2] How Britain funds the 'propaganda war' in Syria - The Guardian. 3 May 2016.

[3] Syria 'smoking gun' report warrants a careful read - The Christian Science Monitor. Jan 21, 2014.

السورية لتحرير أحياء شرقي حلب كان انطلاقاً من التفكير بمستقبل سوريا على المدى البعيد، بعد أن باتت خطط تركيا، والأنظمة الخليفة لها، ونواياها واضحة تجاه تقسيم سوريا. كما جاء القرار بعد أن اتخذت الحكومة السورية عدة مبادرات، من جانب واحد، لإجلاء الجرحى والمرضى والفئات الهشة، وكذلك تأمين خروج المسلحين إلى الوجهة التي يختارونها، ولم إفشال هذه المبادرات. وبالتالي، كانت الأولوية هي للحفاظ على سيادة الجمهورية العربية السورية ووحدة أراضيها. وكانت نتائج هذا القرار واضحة عند إجلاء المواطنين السوريين الذين حاصرتهم الجماعات الإرهابية المسلحة لسنوات في أحياء شرقي حلب، هؤلاء المواطنين لم يتوانوا عن إظهار سعادتهم البالغة لتحررهم من هذا الإرهاب، الأمر الذي يؤكد أن ما قدمته الحكومة السورية لسكان حلب هو أمر يحفظ كرامتهم الإنسانية ويتسجم مع مسؤولياتها السيلة أمام شعبها. إذ أن البديل الوحيد كان إبقاء المدنيين الأبرياء محاصرين كدروع بشرية، يواجهون الخطر والخوف والجوع والمرض، في حين تحتجز الجماعات الإرهابية المسلحة الغذاء والدواء في مستودعاتها التي تم ضبطها بعد تحرير أحياء شرقي حلب، وهو الأمر الذي حرصت حكومة الجمهورية العربية السورية على تجاوزه في إطار تحملها لمسؤولياتها.

تجدد حكومة الجمهورية العربية السورية تأكيدها على أنها راعت منذ بداية الأزمة الراهنة مبادئ القانون الدولي والقانون الدولي الإنساني في سياق حربها على الإرهاب، وهو الأمر الذي استمر خلال عملياتها الأخيرة في حلب إنطلاقاً من حرصها على حماية مواطنيها.

إن الجمهورية العربية السورية تعتبر، في ضوء المعطيات المتعلقة بتوقيت وشكل ومضمون الحلقة النقاشية حول الجمهورية العربية السورية والإنتقالية التي تحكمت بدعوة المتحدثين فيها، أن الهدف الأساسي منها هو ممارسة التشهير ومحاولة التشويش على الجهود الحالية الرامية إلى تحقيق الحل السلمي القائم على الحوار بين السوريين، وتثبيت اتفاق وقف العمليات القتالية وتوحيد الصفوف في مكافحة الإرهاب الذي يستهدف المواطنين السوريين وينتهك كافة حقوقهم الأساسية. وفي ضوء المخالفات القانونية والإجرائية التي أوردناها، فإن الجمهورية العربية السورية لن تشارك في هذه الجلسة التي ترسي سابقة جديدة في تسييس أعمال المجلس وفي تعامله مع الأوضاع في بلدان بعينها بطريقة تعكس إنتقائية ومعايير مزدوجة، وتسعى لاستغلال الجوانب القضائية في الحرب على الدولة السورية بعد أن أفشل الشعب السوري مخططات استخدام الإرهاب وسيلة لتقويض الدولة السورية.

وسأكون ممتناً لتوزيع هذه الرسالة باعتبارها وثيقة رسمية من وثائق البند الرابع من جدول أعمال الدورة الرابعة والثلاثين لمجلس حقوق الإنسان.

السفير حسام الدين آلا
المندوب الدائم

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Agenda item 4
Human rights situations that require the Council's attention

Letter dated 24 February 2017 from the Permanent Representative of Azerbaijan to the United Nations Office at Geneva addressed to the President of the Human Rights Council

I have the honour to transmit herewith the statement by the Ministry of Foreign Affairs of Azerbaijan on the twenty-fifth anniversary of Khojaly Genocide committed by Armenia against the civilians of the town of Khojaly in the Nagorno-Karabakh region of Azerbaijan.

The continuing military aggression by Armenia against Azerbaijan has led to the temporary occupation of 20 per cent of Azerbaijan's territory, including the Nagorno-Karabakh region, the seven adjacent districts and a number of exclaves. The aggression has claimed the lives of tens of thousands of people, ruined many cities and livelihoods in my country and resulted in the forcible expulsion of more than 1 million Azerbaijanis from their historic lands.

The most serious crimes of concern to the international community, such as war crimes, crimes against humanity and genocide, have been committed in the course of the ongoing occupation policy of Armenia against Azerbaijan.

I would be highly appreciative if you could kindly circulate the present letter and its annex* as a document of the thirty-fourth session of the Human Rights Council under agenda item 4.

(*Signed*) Vaqif **Sadiqov**
Ambassador, Permanent Representative

* Reproduced as received, in the language of submission only.

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Annex to the letter dated 24 February 2017 from the Permanent Representative of Azerbaijan to the United Nations Office at Geneva addressed to the President of the Human Rights Council

Statement by the Ministry of Foreign Affairs of the Republic of Azerbaijan on the 25th anniversary of Khojaly Genocide

February 26, 2017 marks the 25th anniversary of Khojaly Genocide. From October 1991, the town was entirely surrounded by the armed forces of Armenia. Over the night of the 25 to 26 February 1992, following massive artillery bombardment of Khojaly, the assault on the town began from various directions. As a result of which, the armed forces of Armenia, with the help of the infantry guards regiment No. 366 of the former Union of Soviet Socialist Republics (USSR), implemented the seizure of Khojaly. Invaders destroyed Khojaly and with particular brutality implemented carnage over its peaceful population. As a result, 613 civilians were killed, including 106 women, 63 children and 70 elderly. Another 1,000 people were wounded and 1,275 taken hostage. To this day, 150 people from Khojaly remain missing. The intentional slaughter of the civilians in Khojaly was directed at their mass extermination only because they were Azerbaijanis.

The mass killing, scalping, beheading, bayoneting of pregnant women and mutilation of bodies by the armed forces of Armenia in Khojaly are fundamentally well documented by the law enforcement agencies of the Republic of Azerbaijan, numerous independent sources, including Armenian ones, local and international media and eyewitnesses of this tragedy.

In his cynical admission of culpability, Armenia's then-Defense Minister and current President, Serzh Sargsyan, was quoted by the British journalist Thomas de Waal, as saying, "before Khojaly, the Azerbaijanis thought that ... the Armenians were people who could not raise their hands against the civilian population. We were able to break that [stereotype]" (Thomas de Waal, Black Garden: Armenia and Azerbaijan through Peace and War (New York and London, New York University Press, 2003), p. 172).

The overall assessment of the causes and consequences of the war unleashed by Armenia against Azerbaijan makes it absolutely clear that the intentional slaughter of the civilians and defenders of Khojaly was not an isolated or sporadic act, but was part of Armenia's widespread and systematic policy of notorious ethnic cleansing and practice of atrocities.

War crimes, crimes against humanity and genocide committed by Armenia in the course of the ongoing aggression against the Republic of Azerbaijan constitute a serious violation of international humanitarian and human rights law, in particular the 1949 Geneva Conventions, Convention on the Prevention and Punishment of the Crime of Genocide, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child and the Convention for the Protection of Human Rights and Fundamental Freedoms.

Alongside the Republic of Armenia's responsibility as a State, under the international criminal law such acts perpetrated in the context of an armed conflict, including those in the town of Khojaly, are viewed as international criminal offences and responsibility for them is also borne on an individual basis by those who participated in the said acts, their accomplices and accessories.

In its judgment of 22 April 2010, the European Court of Human Rights arrived at an important conclusion with respect to the crime committed in Khojaly, qualifying the behaviour of those carrying out the incursion as "acts of particular gravity which may amount to war crimes or crimes against humanity".

The national legislative bodies of more than 15 States, as well as the Organization of Islamic Cooperation adopted a number of resolutions and declarations on condemning in strongest terms the massacre of civilian population in Khojaly and recognizing the tragedy of Khojaly as an act of genocide and crime against humanity.

The Republic of Azerbaijan highly values the solidarity of the international community on the establishment of truth and justice in respect to acts of genocide and crimes against humanity perpetrated in Khojaly by Armenia.

Khojaly Genocide should find its legal appraisal. The Republic of Azerbaijan is confident that the consistent measures being taken at the national level, as well as the existing international legal framework, will serve to end impunity and to bring to justice those responsible for the grave offences committed in the course of Armenia's aggression against Azerbaijan.

While remembering the 25th anniversary of Khojaly Genocide, the Republic of Azerbaijan calls upon the international community to condemn and recognize the crimes against humanity and act of genocide committed by Armenia in Khojaly against the civilian Azerbaijani population, including children, women and elderly.

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Note verbale dated 15 March 2017 from the Permanent Mission of Iraq to the United Nations Office and other international organizations in Geneva addressed to the secretariat of the Human Rights Council

The Permanent Mission of the Republic of Iraq to the United Nations Office and other international organizations in Geneva presents its compliments to the secretariat of the Human Rights Council and has the honour to inform it that the representative of Iraq was unable to deliver a statement on behalf of the Arab Group during the interactive dialogue with the Special Rapporteur on the right to privacy on 7 March 2017.

The Permanent Mission of the Republic of Iraq kindly requests the secretariat to circulate the present note verbale and its annex* as a document of the thirty-fourth session of the Human Rights Council.

* Reproduced as received, in the language of submission only.

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Annex to the note verbale dated 15 March 2017 from the Permanent Mission of Iraq to the United Nations Office and other international organizations in Geneva addressed to the secretariat of the Human Rights Council

مداخلة المجموعة العربية في الدورة الرابعة والثلاثين لمجلس حقوق الإنسان في إطار الحوار التفاعلي مع المقرر الخاص المعني بالحق في الخصوصية تحت البند الثالث بتاريخ 7 مارس 2017

السيد الرئيس،

يشرفني أن القي هذه الكلمة باسم المجموعة العربية والتي ترحب بدورها بتقرير السيد جوزيف تاكاني والذي يسلط الضوء على مسألة **الحق في الخصوصية**، في ظل التطورات التكنولوجية الحديثة، مما يستعدي إعادة تكييفه وجعله أكثر تطابقا مع متطلبات العصر الرقمي.

السيد الرئيس،

تعتبر المجموعة العربية الحق في الخصوصية من ضمن الحقوق الأصيلة التي ينبغي حمايتها من خلال الأحكام الدستورية والانضمام إلى مختلف الصكوك الدولية ذات الصلة، بالإضافة إلى وضع التدابير والمؤسسات الوطنية وعلى رأسها المؤسسة القضائية لضمان احترامه والحرص على حفظه من أية تجاوزات. وينص الميثاق العربي لحقوق الإنسان في مادته 21 على أنه – لا يجوز تعريض أي شخص على نحو تعسفي أو غير قانوني للتدخل في خصوصياته أو شئون أسرته أو بيته أو مراسلاته أو التشهير بمس شرفه أو سمعته وتؤكد في نفس الوقت على أنه من حق كل شخص أن يحميه القانون من مثل هذا التدخل أو المساس.

وإذ تشكر المجموعة العربية السيد المقرر على تقريره الهام والمفيد، إلاّ أنها تلاحظ عدم الاهتمام الكافي لمسألة صون وحفظ الأمن في سياق تفعيل الحق في الخصوصية باعتبار الأمن مسألة حيوية بالنسبة لجميع الدول، خاصة بعد ظهور الإرهاب وانتشاره في كافة مناطق العالم من بينها المنطقة العربية.

وترى المجموعة العربية بأنه لا يوجد تناقض بين اتخاذ التدابير الأمنية لحماية إقليم الدولة ومواطنيها وترسيخ مبادئ حقوق الإنسان لضمان دولة القانون والحكم الرشيد. ولتحقيق هذا التوازن، تشاطر المجموعة رأي المقرر الخاص بضرورة أن تقترن الإجراءات الأمنية بضمانات كافية لصون الحق في الخصوصية من أية مراقبة تمسُّ بشرف وكرامة الأشخاص.

السيد الرئيس،

يتبين من خلال التقرير بأن السيد المقرر الخاص بدأ في إعداد ***"الدورة الثانية من الخصوصية والشخصية وتدفقات المعلومات"*** والتي ستركز على منطقة الشرق الأوسط وشمال أفريقيا. (PPFI 2017 MENA) ومن المقرر أن تُعقد هذه الدورة يومي 22 و23 مايو في تونس وسيشارك في استضافتها الهيئة الوطنية التونسية لحماية المعطيات الشخصية بالتعاون الوثيق مع منظمات المجتمع المدني. وفي هذا السياق، تود المجموعة العربية أن تستفسر ما إذا يمكن للسيد

نقدر اطلاعنا تزويدنا بمعلومات حول هذه الدورة وإلى أي مدى وصل التحضير لها والترتيبات الخاصة بها وأية معلومات أخرى مفيدة بالنسبة لهذا الموضوع.

وشكراً السيد الرئيس

United Nations A/HRC/34/G/12

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Note verbale dated 21 March 2017 from the Permanent Mission of Greece to the United Nations Office and other international organizations in Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

The Permanent Mission of Greece to the United Nations Office and other international organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to provide herewith the comments of the Government of Greece in relation to the written statement submitted by the Federation of Western Thrace Turks in Europe, a non-governmental organization in special consultative status with the Economic and Social Council (A/HRC/34/NGO/108).

The Permanent Mission of Greece kindly requests the Office of the High Commissioner to circulate the present note verbale and its annex* as a document of the thirty-fourth session of the Human Rights Council under agenda item 3.

* Reproduced as received, in the language of submission only.

GE.17-05770(E)

Please recycle

Annex to the note verbale dated 21 March 2017 from the Permanent Mission of Greece to the United Nations Office and other international organizations in Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

Comments of the Greek Government in relation to the written statement A/HRC/34/NGO/108 submitted by the Federation of Western Thrace Turks in Europe

"Articles 37 — 45 (Section III "Protection of Minorities") of the 1923 Lausanne Peace Treaty (which was ratified by Greece under the Decree A 238/1923 "on the ratification of the Lausanne Peace Treaty"), define the legal framework for the protection of the populations, which were not included in the Convention concerning the exchange of Greek and Turkish populations signed on January 30th, 1923, namely the Greek-orthodox Christians in Istanbul and the Muslims in Thrace.

Specifically, Article 2 of the Convention states that "The following persons shall not be included in the exchange provided for in Article 1: (a) the Greek inhabitants on Constantinople, (b) the Moslem inhabitants of Western Thrace. All Greeks who were established before October 30th, 1918 within the areas under the Prefecture of the City of Constantinople, as defined by the law of 1912, shall be considered as Greek inhabitants of Constantinople. All Moslem established in the region to the east of the frontier line laid down in 1913 by the Treaty of Bucharest shall be considered as Moslem inhabitants of Western Thrace."

Therefore, the minority in Thrace has a religious character. It consists of Greek — Muslim citizens and is governed by the Greek Constitution and the laws of the Hellenic Republic. In addition, the minority's protection is based on the full respect of the religious and cultural attributes of Muslim Greek citizens in Thrace, who, as Greek citizens, are protected by the Constitution and the Greek legislation whereas they are also subjected to the legal obligations and requirements of domestic law. The above mentioned eloquently display that the claims contained in the "Federation of Western Thrace Turks in Europe" written statement, with regard to the existence of a so-called Turkish minority in Thrace, are fallacious and misleading, since the relevant international documents exclusively qualify them as a Muslim minority.

Regarding the Ecumenical Patriarch, it needs to be pointed out that he is also the Archbishop of Istanbul, as determined by the Holy Canons of the Orthodox Church. Therefore, the same person has two positions. The latter (Archbishop of Istanbul) concerns the interior of the Orthodox Church in Turkey, while the former (Orthodox Ecumenical Patriarch) concerns Christianity as a whole, since the Ecumenical Patriarch is the first among equals in the Orthodox Church worldwide. The spiritual jurisdiction of the Ecumenical Patriarchate is neither limited to Istanbul, nor to Turkey, and that is the reason why his election is a global event.

The position of the Mufti is not equivalent to the position of Archbishop, and not even to the position of Bishop, given that he also exerts judicial powers. Therefore, it is obvious that it is not equivalent to the position of the Ecumenical Patriarch. The two positions are different in terms of importance and hierarchy; therefore there is no parallel between them, if only as it applies to fundamental religious freedoms.

Under the Greek Constitution, only the Treaties in force may oblige the country to enact laws in compliance with treaties themselves. The relevant provisions of the 1913 Treaty of Athens have been replaced by the 1923 Lausanne Treaty (1330/2001 Decision, Hellenic Council of State, 11.4.2001). The same is valid for Law 2345/1920 which has been abolished by Article 9 of Law 1920/1991. Under Law 1920/1991, 10 representatives of the Muslim minority in Thrace propose the Mufti to the Ministry of Education, Research

and Religious Affairs and then he is appointed by a Presidential Decree. With regard to the Orthodox Church, the Holy Synod of the Church proposes the bishops of the Orthodox Church of Greece to the above Ministry and then they are appointed by Presidential Decree, without the participation of its adherents.

The Holy Synod of the Church consists of 82 members. That is approximately one bishop per 130,000 Christian Orthodox. The 10 Muslim representatives provided by law 1920/1991 for each Mufti office consists of 30 representatives for the three Muslim offices, which approximately corresponds to 1 Muslim representative per 4,000 Muslims (on average between the three Mufti offices due to a different composition of the total population). It should be noted that no Muslim country follows an election process for Muftis.

With regard to law 4115/2013, the Islamic preachers have the right to teach the Holy Quran in public schools to Muslim students that so wish, meaning that the lesson of the Holy Quran is optional. Due to the fact that the regular course of religion is attended by Christian Orthodox, it should be clarified that the course of religion in public schools addressed to Orthodox Christians is not given by priests of the Orthodox Church but by theologians. The syllabus is not determined by the Church of Greece. It is determined by the State and the theologians are recruited and remunerated in the same way as all teachers in public schools. Greece offers the opportunity to any student who wishes to attend the lesson of the Holy Quran to do so.

Concerning allegations contained in the written statement in question with regard to what is happening in other religious communities in Greece, the following should be noted: the bishops of the Orthodox Church of Greece are not elected through general elections in which its adherents would participate, but through elections conducted by the Holy Synod in which only the Bishops of the Church of Greece have the right to vote. The bishops of the Catholic Church in Greece are not elected but selected by the Pope. Neither the Rabbis of the Jewish community are elected through elections involving all Greek Jews; instead they are selected by the boards of the Jewish communities.

From the above it is clear that in none of the cases mentioned, the religious leaders are being elected by their adherents but either their election is the choice of their supreme religious leader, or it is the choice of an electoral body, which is composed of religious officers, or a limited number of representatives from their community. And of course, there is another distinctive difference: none of the above is exerting judicial powers over his followers, as the Muftis in Greece do.

Therefore, the "Federation of Western Thrace Turks in Europe" requests from Greece to apply a preferential status for the Muslims of Thrace that is neither provided for in the Treaty of Lausanne, nor is followed by any other major religious community in Greece, nor is applied by any Islamic country in the world.

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Annual Report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Note verbale dated 22 March 2017 from the Permanent Mission of Turkey to the United Nations Office and other international organizations in Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

The Permanent Mission of the Republic of Turkey to the United Nations Office and other international organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to convey a copy of the letter of the Minister of Foreign Affairs of the Turkish Republic of Northern Cyprus, Tahsin Ertugruloglu, which reflects the Turkish Cypriot views on the report of the Office of the United Nations High Commissioner for Human Rights on the question of human rights in Cyprus dated 1 February 2017 (A/HRC/34/15), which was submitted to the Human Rights Council at its thirty-fourth session.

The Permanent Mission of the Republic of Turkey would appreciate it if the present note verbale and its annex* could be circulated as a document of the thirty-fourth session of the Human Rights Council.

* Reproduced as received, in the language of submission only.

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1705772

Please recycle

Annex to the note verbale dated 22 March 2017 from the Permanent Mission of Turkey to the United Nations Office and other international organizations in Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

Letter dated 22 March 2017 from the Minister of Foreign Affairs of the Turkish Republic of Northern Cyprus addressed to the High Commissioner for Human Rights

Excellency,

I have the honour to refer to Your Excellency's Report on the question of human rights in Cyprus (A/HRC/34/1 5) which was circulated on 1 February 2017 and to bring to your kind attention the following facts and considerations:

With reference to the "Introduction" section of the Report, which tries to reflect the situation in the Island, it is necessary to elaborate on various points which require clarification.

The references to the so-called "Government of the Republic of Cyprus" reflect neither the realities nor the legal position on the Island The Republic of Cyprus was founded in 1960 in accordance with the international Cyprus treaties namely the Treaties of Establishment, Alliance and Guarantee, by the Turkish Cypriot and the Greek Cypriot peoples when the British Government relinquished the sovereignty of Cyprus to the partnership Republic composed of the aforesaid politically equal partners 'acting conjointly and in partnership" The legitimacy of the 1960 Republic lay in the joint presence and effective participation of both peoples in all organs of the state Neither of the parties had the right to rule the other, or assume the right to be the Government of the whole island in the absence of the other in all the organs of the state and its Government In fact, the Cyprus problem was created by the Greek Cypriot side which destroyed the 1960 partnership Republic of Cyprus in 1963 in an effort to annexing the Island to Greece.

Ever since the forcible expulsion of the Turkish Cypriot co-founding partner from the 1960 partnership Republic, there has been no constitutional Government representing both peoples of the Island. The Turkish Cypriot people did not accept the forceful takeover of the Partnership State by the Greek Cypriot side in 1963 and, through their decisive resistance, prevented the Greek Cypriot side from extending its authority over them Since December 1963, there has not been a joint central administration on the Island, capable of representing both peoples, either legally or factually. Each side has since ruled itself, while the Greek Cypriot side has continued to claim that it is the "Government of Cyprus".

Within this context, I must add that references in Paragraph 10 to the effect that "Cyprus does not exercise control over all of its territory" is not compatible with the realities of the Island and deemed unacceptable as the report fails to mention the fact that a separate administration is present in the Northern Cyprus.

Paragraph 16 of the report, refers to mines laid by the Greek Cypriot "National Guard" in the north of Lefkosa/Nicosia on the Besparmak/Five Finger Mountain range, an area which is used for agriculture and as trekking path by the tourists, before and during 1974. It is disappointing to observe that no reference has been made to the fact that the Greek Cypriot side had not only kept this information concealed from the Turkish Cypriot side and the pertinent international organizations for 41 years, but also had acted reluctant to provide detailed information concerning the said minefields even for humanitarian reasons once the issue had been revealed. The Greek Cypriot side handed over detailed information of the said fields only when the negotiation process on the Cyprus issue had resumed on 15 May 2015 after a stalemate.

The report continues with the issue of mines in Paragraph 17 where reference is made to the minefield just North of the buffer zone in Alaykoy (Mammari) which caused a mine-wash in 2015. At the time of the event, the Turkish Cypriot side demonstrated full military cooperation with UNFICYP on the ground, in the form of sharing detailed information on the extent of the minefield and its contents. The UN de-miners were also allowed access to the mine-washed area from the northern part of the buffer zone in order to conduct a detailed reconnaissance mission, which enabled a comprehensive plan to be drawn up for the clearance operation. Consequently, demining operation commenced in May 2015 when, in the absence of a demining component within UNFICYP, the UN Secretary-General dispatched a team of de-miners from the UN Interim Force in Lebanon (UNIFIL) to the area.

The Turkish Cypriot side is in the process of commencing a demining operation in the area through procurement of services from an internationally accredited mine clearance company. Additionally, the Turkish Cypriot side is in the process of concluding the tender process for a minefield located to the west of Alaykoy (near Mammari, minefield no. 211), which was unfortunately delayed due to unexpected technical developments.

Within this context it should be noted that as part of the military confidence building measures the Turkish Cypriot side proposed to extend its demining activities to a mine field in the buffer zone in the area of Derinya, once the Greek Cypriot side completes demining of 3 minefields near Akincilar Village. However, this proposal has been rejected by the Greek Cypriot side despite being repeatedly put on the negotiating table.

The Turkish Cypriot authorities have been facilitating the Committee for Missing Persons' access to all relevant areas, including military zones, in Northern Cyprus and have granted access to excavation in 2 unfenced military zones per year since 2006, in addition to fenced military zones on a case-by-case basis in more recent years. Furthermore, on 5 November 2015, President Mustafa Akinci announced the access to 30 suspected burial sites located in the military zones, over a three year period, with ten sites to be excavated each year, which has already started. However, despite the initiatives and humanitarian stance of the Turkish Cypriot side in its approach and handling of the issue of missing persons, the Greek Cypriot side has long been pursuing a policy of politicizing the issue by taking it to international platforms such as the European Parliament, the Council of Europe or the European Court of Human Rights. In the Report of the Secretary-General published on 29 June 2012 (S/2013/507), it is stated that the Secretary-General "count(s) on the support of all parties to preserve the non-political and bi-communal character of the work of the Committee". Within this context, it should be noted that the Greek Cypriot side has been attempting to bypass the Committee for Missing Persons mechanism in order to gain political advantages based on unilateral decisions, thus acting in total contradiction to the request of the Secretary-General.

The Greek Cypriot side has also long pursued a policy of holding Turkey accountable for withholding access to information and burial sites in North Cyprus, thus preventing the progress of the Committee. It should be acknowledged that Turkey is not the counterpart of the Greek Cypriot side, which is also evidenced by the fact that the Committee itself is comprised of members from the two sides of the Island and an independent member from the UN. Furthermore, Turkey has long proven its support for the resolution of this issue and has made substantial contributions towards this end.

In Paragraph 23 the inclusion of terms such as "The Committee Against Torture called upon Turkey to enhance efforts to ensure criminal accountability" insinuates that Turkey has authority in the North. It ought to be underlined once again that Turkey has no authority or jurisdiction in North Cyprus. Northern Cyprus is under the full control and jurisdiction of the Turkish Cypriot authorities and, the responsibility for all matters, including legal proceedings as well as all human rights issues lies solely with the relevant Turkish Cypriot authorities. Therefore, this paragraph falls short of being objective and reflecting the real situation on the ground. I hope and trust that such misrepresentation of the realities on the Island have no further place in future reports.

The report refers to the Universal Declaration of Human Rights and that "all are equal before the law and are entitled without discrimination to equal protection of the law"

in Paragraph 24. However, the report in whole has failed to mention the racist attacks and acts of hatred carried out by the Greek Cypriots against Turkish Cypriots within the reporting period. For the sake of clarity, I would like to hereby remind you of some of these racially motivated unacceptable attacks.

A group of Greek Cypriots holding Greek and APOEL flags attacked Turkish Cypriot Can Kürsat's car while waiting at the red light on Makarios Street, one of the most crowded streets of Nicosia on 16 May 2016. No intervention was made by other Greek Cypriots who were around in order to stop the attackers while Kursat's car was being damaged. Kursat and his friends in the car barely escaped. A complaint was subsequently made to the Greek Cypriot police. However to this day no action has been taken.

It was reported in the Greek Cypriot daily Cyprus Mail in August 2016 that a group of around 200 protesters, composed of farmers, other potato exporters and seven MPs,showed up at the premises of a Greek Cypriot businessman Christos Christofi's company Sowrrano Fresh Ltd in Achna in the Famagusta district due to the fact that the businessman had made a deal with a Turkish Cypriot counterpart to bring over potatoes for export under the Green Line Regulation (GLR). The businessman was reported to have stated that the trouble had started in July when he made the deal on the Turkish Cypriot side to export potatoes that came from the North through ports of the Greek Cypriot Administration. Such trade is run under the GLR introduced by the EU in 2004 as part of a package to promote relations between the two sides. The article continued to state that when Christofi began bringing over potato consignments, unknown persons fired shots outside his house, therefore, be decided to stop for a while. Upon restarting the scheme a mob of around 200 people, including the MPs, protested outside the plant. It was reported that Christofi was harassed and received threats to burn down his packaging plant.

On 21 November 2016, a Turkish Cypriot taxi driver was attacked in Southern Cyprus after two Greek Cypriot men on a motorcycle cut in front of the taxi and forced the driver out. The two men, who recognized the Turkish Cypriot license plate, severely wounded the taxi driver, who was later hospitalized to assess his wounds This attack took place at a location very close to the Metehan checkpoint where crossings take place between North and South.

Another cause of great concern regarding such incidents is the fact that the Greek Cypriot side, which fails to take precautions against such events in the first place, also fails to penalize the perpetrators after they have occurred The tact has also been overlooked in the report which is extremely disappointing In this regard, it was reported in an article by the Greek Cypriot daily Alithia in November 2015 under the headline "Attacks by Greek Cypriots on the Turkish Cypriots go unpunished" that none of the attacks which took place against Turkish Cypriots between 2004 and 2012 have been penalized by the Greek Cypriot legal system The article further cites the statement of the Greek Cypriot Ombudsman, who confirmed that adequate investigation has not been carried out regarding any of the many attacks against Turkish Cypriots in Southern Cyprus.

As known, members of the far right organization ELAM, had disrupted a meeting in Limassol where former Turkish Cypriot President Mr, Mehmet Ali Talat was scheduled to make a speech in 2014 During the incident a flare had been thrown into the hail which had landed close to the US Ambassador to Cyprus, who also happened to be present at the event On 1 July 2016 the members of ELAM who carried out the attack were acquitted by a court in South Cyprus Talat blamed the South Cyprus police for 'not even trying to prevent the incident" and of not submitting enough evidence to the court.

Furthermore, in the Country Report of Cyprus completed by TOGETHER! (a project financed by the Justice Department of the European Commission) entitled "LET'S END HATE CRIME" in respect of ending hate crimes it is highlighted that in South Cyprus "there is no hate crimes as such Hate crime is not specifically addressed, defined or provided in the penal code or in other law, as a crime per se" The report states that Turkish Cypriots have been attacked by groups of Greek Cypriots because of their national origin' They also face racial discrimination especially in their workplace (i.e. unemployment benefits being refused or employer refusing to pay on time) The report also mentions that "reports from civil society organisations and migrant communities show that most

vulnerable groups to hate crimes are migrants, asylum seekers, refugees and Turkish Cypriots". The report underlines on numerous occasions that "formal reports on hate crime are very limited, almost non-existent and a formal policy on hate crimes fails to exist" A striking observance stated in the report was to the effect that "from our experience, hate crimes are either not identified or recorded properly, or even if properly recorded they are not prosecuted most of the times because of lack of necessary evidence always according to the authorities".

In its report on Cyprus, the Council of Europe's European Commission against Racism and Intolerance (ECRI) underlines that "Racist statements in the public sphere continue to be a common phenomenon" The ECRI Report on Cyprus adopted on 17 March 2016 and published on 7 June 2016, states that "ELAM promotes an anti-Semitic anti-Turkish Cypriot, racist and xenophobic agenda and is believed to be responsible for attacks on Turkish Cypriots and migrants".

Given these unfortunate realities, it was hoped and expected by the Turkish Cypriot side that these realities would be taken into account and reflected in the report it is also our hope that the Greek Cypriot legal system not only works to prevent the recurrence of acts of hatred and racism, but that they amend their legislation and practices to instil positive sentiments rather than enmity. Without a doubt, referencing these incidents in international reports and calling on the Greek Cypriot authorities to make sure the perpetrators are brought to justice could only serve as a deterrent in such cases.

The report makes reference to freedom of movement in Paragraph 30 and to the delays in progress on the opening of the two new crossings at Lefke-Aplic/Lefka-Aplici and DerinyalDheryma We would like to underline that we continue to be committed to the speedy completion of our duties and hope to see both crossings open simultaneously.

Paragraph 33 refers to progress in formerly announced confidence building measures (CBMs) and refers to the lifting of a requirement to fill in administrative forms at crossing points This act of good will took place upon the suggestion of the Turkish Cypriot side and implemented immediately without any preconditions However it is falsely reflected in the report as a mutual act On this note it should be highlighted that none of the CBMs announced by the Greek Cypriot side have been realised to date, due to Greek Cypriot induced obstacles.

It should be recalled that it was agreed to pursue five confidence building measures, including the operability of all mobile telephones throughout the entire Island The ongoing issue of the inability to use mobile phones while visiting the opposite side of the Island continues to hinder the daily lives of both communities In this connection, the Greek Cypriot side has failed to take any positive steps to enable the use of mobile phones on either side of the Island and continues to delay or hinder the process Other CBMs which have yet to be successfully concluded include the interconnectivity of the electrical systems and the resolution of TV and radio frequency interference between the two sides CBMs intend to improve the daily lives of both communities and bridge their existing gaps, irrespective of each sides' political positions The Turkish Cypriot side has always taken the necessary steps to overcome political or other impediments with a view to materializing projects within the scope of CBMs. The Greek Cypriot side, however, has chosen to use excuses not to reciprocate our efforts.

It has been observed with regret, in the section on property rights, that there has been no mention of the policies of Greek Cypriot administration vis-a-vis the Turkish Cypriot properties left in the South. Following its hijacking of the partnership government in 1963, the Greek Cypriot administration has unilaterally enacted a series of laws to regulate and control Turkish Cypriot owned land and properties located in South Cyprus. These laws are in blatant contradiction of one's universal right to property. Furthermore, the section fails to mention that the Greek Cypriot side has failed to propose any mechanism similar to the Immovable Property Commission in the North, to handle the issue of Turkish Cypriot properties located in South Cyprus The Greek Cypriot Administration has also failed to amend its legislation and practices which state that Turkish Cypriots may only claim their property rights following a settlement despite decisions and recommendations made by the European Court of Human Rights.

I would like to set the record straight in regard of figures stated in the section on freedom of religion and cultural rights. In the said section, the number of religious sites in North Cyprus where religious services were conducted for the first time during the reporting period has been cited as 2 (para. 38) whereas the number is actually 7 Moreover, within the same paragraph it states that 'UNFICYP facilitated the participation of more than 15,000 persons at some 50 religious services and commemorative events, which were either conducted in the buffer zone or required crossing the buffer zone ' There is a numerical error in this statement also as the Turkish Cypriot side approved 116 requests to conduct religious services in the religious sites situated in Northern Cyprus within the reporting period.

Also in Paragraph 42, several referrals have been made in this report to the Preliminary conclusions and observations by the Special Rapporteur in the field of cultural rights at the end of her visit to Cyprus, 24 May-2 June 2016 However, no such reference has been made to her findings in respect to many Muslim places of worship in South Cyprus which are locked at all times with no known procedures for applying for personal or collective access and/or religious pilgrimages, nor to her primary observations as to the question of who has possession of the key to the sites in question Moreover, many Turkish Cypriots continue to be totally prevented from crossing to South Cyprus on the basis of the origin of their ancestors, namely Turkey which was also mentioned in her preliminary findings This discriminatory Greek Cypriot policy, which currently applies to many Turkish Cypriots whose parents and themselves are born and brought up in Cyprus, constitutes a violation of not only freedom of movement but freedom of religion and access to religious sites.

Under the heading "Right of education", references have been made in Paragraph 49, regarding universities in the North and difficulties faced by students due to Greek Cypriot policy. Within the same paragraph a scholarship scheme for Turkish Cypriots is highlighted "in order to compensate for this lack of mobility" I feel compelled to underline that such a scheme does not even come close to override or replace the effects of the inhumane and unfair isolations imposed on the Turkish Cypriots I strongly believe that mentioning such a scholarship scheme undermines the severity of the difficulties faced and that the report should have explained that such a scheme falls short of being satisfactory.

It is disappointing to see that the report overlooks the well-founded reasons of the Turkish Cypriot authorities to review the text books to be used for teaching in Greek Cypriot schools in North Cyprus in Paragraph 49 It is a universally accepted fact that textbooks, in general, should not promote feelings of intolerance and animosity. Needless to say, in the case of Cyprus, it is imperative that all concerned help promote friendly and constructive relations between the two peoples on the Island In this spirit, the Turkish Cypriot side approaches the issue of textbooks with great sensitivity and has, in the past years, revised all its textbooks ensuring that they contain no elements of racial hatred or intolerance Unfortunately, Greek Cypriot textbooks still need revision and contain offensive material It is our firm belief that such material should be eradicated from textbooks and replaced with material more conducive to tolerance and reconciliation and that the report should have drawn attention to the shortcoming of the Greek Cypriot textbooks.

Within this context I find it imperative to refer to a recent decision taken by the House of Representatives of the Greek Cypriot Administration which decided to commemorate the 1950 Plebiscite (referendum) for "Enosis" (Union with Greece) in schools. As is known, "Enosis" was the movement which ignored the existence and identity of the Turkish Cypriot people as one of the co-owners of the island of Cyprus The fact is that the Greek Cypriot desire and actions to achieve Enosis caused the collapse of the 1960 Republic. Commemorating in young minds the very reason of this dark era and resurrecting the idea of Enosis once again, not only overlooks the sensitivities of the Turkish Cypriots, but also inevitably reminds us of the atrocities which took place for years I would like to once again repeat that this decision should be condemned immediately by all interested parties It is needless to remind that the said decision has caused tension.

It is highly appreciated that the final report has been updated to include that there has been no developments regarding the establishment of a Turkish language school in

Limassol As is known, there is a Greek language primary school and a Greek language secondary school in the Karpaz area in North Cyprus where Greek Cypriot students are taught by Greek Cypriot teachers and teaching material sent by the Greek Cypriot Ministry of Education. We believe it is high time the Greek Cypriot authorities respect the rights of the Turkish Cypriot students residing in South Cyprus, who are in greater numbers than Greek Cypriot students in North Cyprus, and provide them with the option to study at a Turkish language school in South Cyprus.

Having been isolated from the rest of the world, along with being denied some of their most basic human rights, the effort exerted by the Turkish Cypriot people to keep up with international expectations and obligations in the field of human rights, in my opinion should only be commended and perceived as their good faith and readiness to take their rightful place in the international arena.

I would like to take this opportunity to emphasize that the Turkish Cypriot side reiterates its strong commitment to continue its efforts for promoting human rights in North Cyprus.

I hope and trust that in the interest of reflecting a more objective and balanced account of the situation vis-à-vis the issue of human rights in Cyprus, the views and observations of the Turkish Cypriot side will be duly taken into consideration and would be reflected accordingly in future Reports of the Human Rights Council.

Please accept, Excellency, the assurances of my highest consideration.

(*Signed*) Tahsin **Ertugruloglu**
Minister of Foreign Affairs of the
Turkish Republic of Northern Cyprus

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Note verbale dated 22 March 2017 from the Permanent Mission of Singapore to the United Nations Office and other international organizations in Geneva addressed to the secretariat of the Human Rights Council

The Permanent Mission of the Republic of Singapore to the United Nations Office and other international organizations in Geneva presents its compliments to the secretariat of the Human Rights Council and has the honour to refer to the joint statement that was delivered at the biennial high-level panel discussion on the question of the death penalty, held during the thirty-fourth session of the Council on 1 March 2017.

The Permanent Mission has the further honour to request on behalf of the Permanent Missions of the Commonwealth of the Bahamas, the Kingdom of Bahrain, the People's Republic of Bangladesh, Barbados, Brunei Darussalam, the People's Republic of China, the Democratic People's Republic of Korea, the Arab Republic of Egypt, the Federal Democratic Republic of Ethiopia, India, the Republic of Indonesia, the Islamic Republic of Iran, the Republic of Iraq, Jamaica, the State of Kuwait, the Lao People's Democratic Republic, Malaysia, the Republic of the Union of Myanmar, the Sultanate of Oman, the Islamic Republic of Pakistan, the State of Qatar, the Kingdom of Saudi Arabia, the Republic of Singapore, the Republic of the Sudan, the Republic of Uganda, the United Arab Emirates and the Republic of Yemen that the present note verbale and its annex* be circulated as a document of the thirty-fourth session of the Human Rights Council.

* Reproduced as received, in the language of submission only.

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Annex to the note verbale dated 22 March 2017 from the Permanent Mission of Singapore to the United Nations Office and other international organizations in Geneva addressed to the secretariat of the Human Rights Council

Joint statement at the biennial high-level panel discussion on the question of the death penalty on 1 March 2017, at the thirty-fourth session of the Human Rights Council

Mr President,

I have the honour to deliver this statement on behalf of a group of 27 countries.

Ensuring our people's fundamental human right to safety and security is of paramount importance to us. Our view is that the rights of the offenders must always be weighed against the rights of their victims and their families, and the broader rights of the community and society to be able to live in peace and security. For many countries, the death penalty remains an important component of their criminal justice system and deterrent against what their societies regard as the most serious crimes.

The death penalty is only applied after adhering to the full due process of law, pursuant to a final judgment rendered by a competent court, and with the right to seek pardon or appeal for commutation.

There is no international consensus for or against the death penalty when imposed according to the due process of the law. This has repeatedly been affirmed by the votes on past UNGA resolutions on the death penalty. As reported by the UNSG in 2015, the death penalty remains lawful in 97 countries and territories.

There is also no international consensus that the death penalty, when applied in accordance with due process of law and judicial safeguards, violates the prohibition against torture and other cruel, inhuman or degrading treatment or punishment.

Diversity of States and the right of States to exercise their sovereignty in pursuit of their people's welfare are recognized principles, including in the UN. Every State thus has the inalienable sovereign right to choose its legal and criminal justice systems, without interference by other States. The adoption of OP1 in the 71st UNGA resolution "Moratorium on the use of the death penalty" clearly and explicitly reaffirms the sovereign right of all countries to develop their own legal system.

The issue of capital punishment and the types of crimes for which the death penalty is applied to, is therefore a question that every State has the sovereign right to decide for itself, taking into account its own circumstances.

Thank you Mr President.

List of co-sponsors

1. Commonwealth of the Bahamas
2. Kingdom of Bahrain
3. People's Republic of Bangladesh
4. Barbados
5. Brunei Darussalam
6. People's Republic of China
7. Democratic People's Republic of Korea
8. Arab Republic of Egypt
9. Federal Democratic Republic of Ethiopia
10. India
11. Republic of Indonesia
12. Islamic Republic of Iran
13. Republic of Iraq
14. Jamaica
15. State of Kuwait
16. Lao People's Democratic Republic
17. Malaysia
18. Republic of the Union of Myanmar
19. Sultanate of Oman
20. Islamic Republic of Pakistan
21. State of Qatar
22. Kingdom of Saudi Arabia
23. Republic of Singapore
24. Republic of the Sudan
25. Republic of Uganda
26. United Arab Emirates
27. Republic of Yemen